

REMARKS

Claims 1, 11, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Smolik (U.S. Patent 6,119,005). Applicants respectfully disagree.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. Smolik does not disclose the steps of "receiving a first message to perform radio environment reporting on a reverse common signaling channel" recited in claim 1; the step of "transmitting a first message to a remote unit, the first message instructing the remote unit to perform radio environment reporting on a reverse common signaling channel" recited in claim 11; the claim element "receive a first message to perform radio environment reporting on a reverse common signaling channel" recited in claim 18; and the claim element "transmit a first message to a remote unit, the first message instructing the remote unit to perform radio environment reporting on a reverse common signaling channel" recited in claim 19.

On page 2 of the office action, in rejecting claims 1, 11, 18 and 19, the Examiner states that Smolik discloses inherently receiving/transmitting a first message to perform radio environment reporting on a reverse common signaling channel. Applicants submit that this statement is incorrect. First, Smolik does not disclose explicit or inherent signaling between the infrastructure and the remote unit that instructs the remote unit to start radio environment reporting (RER). Smolik describes that the subscriber unit automatically performs RER without instruction from infrastructure equipment and that the reporting occurs over a dedicated traffic channel as is done in prior art CDMA systems. In column 2, lines 5-12, Smolik states:

The mobile subscriber unit continuously produces Pilot Strength Measurement (PSM) data that is indicative of the relative signal strength from a plurality of pilot channels as measured at the mobile subscriber unit. The mobile subscriber unit transmits this signal strength data, along with a list of viable pilot channel candidates as determined by the mobile subscriber unit, to the base station serving the existing call connection.

On page 2 of the office, the Examiner additionally asserts that f-csch/r-csch, forward and reverse common signaling channel, respectively are used

between MS and BS to contain the information needed to update i.e., the active set neighbor set, pilot strengths, etc. The Examiner provides no prior art reference that supports this assertion. As set forth above, Applicants submit that Smolik does not disclose that RER occurs over a common signaling channel, but rather over a dedicated traffic channel (i.e., during an existing call connection).

Applicants submit that claims 2-10 and 12-17 are allowable by virtue of their dependency on claims 1 and 11, respectively. Additionally, claims 2-4 and 8 are allowable over the cited art for the following reasons.

Claims 2-4 recite explicit messaging that indicates a duration for the radio RER procedures or a maximum number of RER messages. In Smolik, RER occurs continuously until the dedicated traffic channel is released because handoffs may be necessary at any point during the call. Regarding claim 8, Smolik does not disclose a timer to control the duration of RER. As stated before, on the contrary, Smolik discloses continuous RER by the MS on a dedicated traffic channel.

In view of the foregoing amendments and remarks, Applicants request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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